

Milwaukee County Personnel Review Board
Meeting Minutes – September 29, 2015

I. Roll Call

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:03 a.m. on Tuesday, September 29, 2015, in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Daniel Dennehy, Ms. Susan A. Lueger, Ms. Mary K. Bruno, and Mr. Carlos Pastrana.

II. Approval of the Minutes of the September 15, 2015 Meeting

Ms. Bruno moved, Ms. Lueger seconded, and the Board, by unanimous vote (4-0), approved the minutes of the September 15, 2015 meeting.

III. Communications and/or comments from the public, if any

None.

IV. Correspondence

None.

V. Update on Potential Request for Proposals for Legal Services

The Board heard the report of Rebecca M. Janz, Administrator, that the Request for Proposals for Legal Services has gone out and the deadline for bids is October 30, 2015. Once all of the bids are in, the Board will need to agree on a panel of individuals to review them.

VI. First Appearances

A. DISCHARGES

**MARK PHINISEE, Human Services Worker - JJ, JJ. DEL. & CT. SVCS
Case #2-4260, dated 09/10/15**

The Board heard the report of Attorney Paul Kuglitsch, Assistant Corporation Counsel, that Mark Phinisee, who was not present, authorized Attorney Mark Sweet, Sweet and Associates, to represent him, waived his right to a hearing within 21 days, and requested a hearing date certain. Ms. Janz confirmed that Board received correspondence from Attorney Sweet stating the same. Ms. Bruno moved, Mr. Pastrana seconded, and the Board by unanimous vote (4-0), accepted Mr. Phinisee's waiver and scheduled the matter for hearing certain on November 10, 2015.

**SUSAN BORN, Human Services Worker, DHHS DSD
Case #2-4260, dated 09/21/2015**

The Board heard the report of Staff Representative David Eisner, AFSCME District Council 32, that Susan Born, who was not present, authorized the union to represent her, waived her right to a hearing within 21 days, and requested a hearing date certain

on November 10, 2015. Attorney Paul Kuglitsch, Assistant Corporation Counsel, had no objection. Ms. Bruno moved, Mr. Pastrana seconded, and the Board by unanimous vote (4-0), accepted Ms. Born's waiver and scheduled the matter for hearing certain on November 10, 2015.

VII. Update

A. DISCHARGES

JOHN NICKEL, Parks/Highway Maintenance Worker, PARKS

Case #2-4256, dated 08/13/2015

The Board heard the report of Staff Representative David Eisner, AFSCME District Council 32, that John Nickel resigned from County service. Ms. Janz confirmed that the Board received Mr. Nickel's resignation. The Board acknowledged Mr. Nickel's resignation and closed the case.

EDWARD PERO, Facilities Worker Security, SHERIFF

Case #2-4250, dated 07/23/2015, for IA #15-126

The Board heard the report of Staff Representative David Eisner, AFSCME District Council 32, that Edward Pero has accepted another position with the County and started work this week. Attorney Paul Kuglitsch, Assistant Corporation Counsel, reported that the appointing authority is withdrawing the charges against Mr. Pero. Ms. Bruno moved, Mr. Pastrana seconded, and the Board by unanimous vote (4-0), accepted the withdrawal of the charges against Edward Pero and closed the case.

B. REMANDS

JACOB D. MILLER, Deputy Sheriff, SHERIFF

Case #14-CV-10572, dated 09/08/2015

At 12:24 p.m., Ms. Bruno moved, Ms. Lueger seconded, and the Board voted 4-0 to go into closed session to deliberate the Jacob D. Miller matter. At 1:01 p.m., the Board reconvened in open session.

Ms. Lueger moved, Mr. Pastrana seconded, and the Board, by unanimous vote (4-0), determined to modify the re-evaluation period previously imposed on Mr. Miller to a one-year re-evaluation period starting today, September 29, 2015.

JAMES TEITJEN, Executive Director 2 – Associate Director of Social Services, DHHS

Case #13-CV-003154

Ms. Lueger moved, Mr. Pastrana seconded, and the Board by unanimous vote (4-0), scheduled for December 8, 2015, to determine whether Mr. Tietjen was a classified employee at the time he was terminated.

VIII. Hearings

A. DISCHARGES

TROY MOORE SPICER, Correction Officer I, SHERIFF

Case #2-4249, dated 07/23/2015

The Board heard the report of Staff Representative David Eisner, AFSCME District Council 32, that Troy Moore Spicer resigned from County service. Ms. Janz confirmed that the Board received Mr. Moore Spicer's resignation. The Board acknowledged Mr. Moore Spicer's resignation and closed the case.

DILLON BRIESEMEISTER, Firefighter Equipment Operator, DOT

Case #2-4217, dated 05/15/2015

The appointing authority appeared by Attorney Paul Kuglitsch, Assistant Corporation Counsel. The employee, Dillon Briesemeister, appeared personally and represented himself for most of the hearing. At the beginning of the hearing, Mr. Briesemeister asked to adjourn the hearing to a later date so he could obtain legal counsel. The Board denied Mr. Briesemeister's request as untimely because Mr. Briesemeister had over four months to secure counsel and did not alert the Board to his need for new counsel until the day of the hearing. Mr. Briesemeister renewed his motion after lunch, and the Board again denied it. Mr. Briesemeister then decided to leave the hearing.

At 1:39 p.m., Ms. Lueger moved, Mr. Pastrana seconded, and the Board voted 4-0 to go into closed session to deliberate the Dillon Briesemeister matter. At 1:56 p.m., the Board reconvened in open session.

Ms. Lueger moved, Ms. Bruno seconded, and the Board, by unanimous vote (4-0) found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (k), (m), (t), (dd), and (ff), and upheld the charges for discharge.

IX. Adjournment

Ms. Bruno moved, Mr. Pastrana seconded, and the Board, by unanimous vote (4-0), adjourned the meeting at 1:57 p.m.

Minutes submitted by: Rebecca M. Janz, PRB/Ethics Board Administrator